IN THE HIGH COURT OF UTTARANCHAL AT- NAINITAL.

W.P. No. 1895 of 2001(M/B)
(Old No. 33423 of 1996)

Dhare Ram Baudai ..... Petitioner

Versus

State of U.P. & others ..... Respondents

Hon. P.C. Verma, A.C.J.
Hon. Rajesh Tandon, J.

A restoration application No. 315 of 2004 has been filed by Mr. Sudhanshu Dhulia for the recall of the order dated 31.12.2003 passed by this Court, the same is allowed. The order dated 31.12.2003 is, hereby, recalled. The writ petition is restored to its original number.

Heard Mr. Sudhanshu Dhulia, learned Advocate for the petitioner and Mr. K.P. Upadhyaya, learned Standing Counsel for the State.

Learned counsel for the petitioner has raised a question relating to conservation of forests and ecology in the hill areas. It has been prayed that the ecology may not be disturbed by cutting of the forests trees while developing the roads etc. The Forest Conservation Act covers it. No mandamus is required to be issued.

Keeping a balance between the public interest at large who will be benefited by the construction of roads as well as the interest of the people who will be disturbed on account of imbalance in the ecology, it is provided that the State Government shall take into account entire factors as stated above while sanctioning the roads etc in the hill areas.

The State Government, therefore, is directed to complete the construction of roads, if possible, without felling the trees and if some trees are required to be fell down that may be done in accordance with law. However, care shall be taken to take out the roads only where minimum trees are required to be fell down.

Subject to above, writ petition is disposed of.

(Rajesh Tandon J.) **(P.C.Verma, A.C.J.)**

Dt. 11.03.2004.
G